

**ARTICLE IV. REGULATION OF EROTIC ENTERTAINERS IN TOPLESS BARS**

**Sec. 6-15. Regulation of conduct of erotic entertainers; hours of operation of topless bars.**

A. In this article, unless the context otherwise requires:

1. *Adult cabaret* shall have the meaning as provided at Section 10-131.
2. *City Clerk* shall mean the City Clerk of the City Clerk Department of the City of Phoenix or the City Clerk's designee.
3. *Direct line of sight* means a straight line between the observer and the object being observed unobstructed by any wall, curtain, glass, or partition, or by any physical barrier that materially obstructs a view of the object being observed.
4. *Employee* shall mean an individual who is hired, engaged or authorized to perform any service on the licensed premises on a full-time, part-time, or contract basis, whether or not the individual is denominated an employee, independent contractor or otherwise. "Employee" includes an individual who is authorized to perform any service on the business premises for no compensation and an individual who is authorized to perform any service on the business premises in exchange for the payment of any form of consideration to the licensee. "Employee" does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the licensee, or an attorney, accountant or other person whose primary function is to provide professional advice and assistance to the licensee.
5. *Employ or employment* shall mean the act of hiring, or engaging, or authorizing the services of, an employee.
6. *Erotic entertainer* shall mean any employee who performs either semi-nude or in a state of nudity on the licensed premises, except an employee who:
  - a. Performs only upon a stage upon which no patrons are then present, and
  - b. While on that stage does not make physical contact with any patron other than incidental hand-to-hand contact that may occur during the act of tipping.

For purposes of this definition, a patron is considered to be present on a stage if the licensee, or any employee of the licensee, knowingly permits any part of the body of a patron, other than the patron's hands and arms, to be supported by the surface of the stage.

7. *Floor plan* means a sketch or diagram drawn to a designated scale on one side of a single page no larger than 8 1/2 inches by 11 inches or drawn with marked dimensions to an accuracy of plus or minus six inches, that shows the overall configuration of the premises, including a designation of the general patron area, the performance area, and all stages.
8. *General patron area* means that portion of the licensed premises, excluding lobbies and restrooms, that is available to any member of the general public lawfully on the premises.
9. *Knowingly* means, with respect to conduct or to a circumstance described by an ordinance defining an offense, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.

10. *License* means a license or interim retail permit issued pursuant to the provisions of Title 4, Arizona Revised Statutes, for a bar license or a beer and wine bar license.
  11. *Licensee* means a person who has been issued a license or an interim retail permit pursuant to the provisions of Title 4, Arizona Revised Statutes.
  12. *Performance area* means that portion of the premises, excluding stages, within which erotic entertainers perform.
  13. *Person* means a partnership, limited liability company, association, company or corporation, as well as a natural person.
  14. *Physical contact* means direct or indirect physical contact that occurs between two individuals, including contact that occurs through clothing or by means of any object.
  15. *Premises* or *licensed premises* means the area from which the licensee is authorized to sell, dispense or serve spirituous liquors under the provisions of the license.
  16. *Semi-nude* means a state of dress that shows the female breast below a horizontal line across the top of the areola at its highest point, or that shows the male or female buttocks. This definition shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed in whole or in part.
  17. *Stage* means that portion of the licensed premises that has been designated as a stage by the licensee pursuant to the provisions of this article, or that portion of the licensed premises that is principally used for employees to perform either semi-nude or in a state of nudity without the presence of patrons. In either case, a "stage" shall include all stairs or ramps leading thereto.
  18. *State of nudity* means the appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast, or a state of dress that fails to opaquely cover the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast.
  19. *Topless bar* means any licensee that offers erotic entertainers as entertainment during any part of any two or more days within any continuous thirty calendar day period, or any licensee that has an uncanceled floor plan on file with the City Clerk pursuant to Section 6-27.
- B. It is unlawful on the licensed premises of a topless bar for an employee, while performing in the general patron area, upon any stage, or in any other location that is used for performing by employees, to knowingly:
1. Use his or her hands, or any other part of his or her body, to make physical contact with the breasts of any female patron.
  2. Permit, if the employee is a female person, the employee's breasts to make physical contact with any patron.
- C. It is unlawful on the licensed premises of a topless bar for an employee, while located in the general patron area, upon any stage, or in any other location that is used for performing by employees, to knowingly:
1. Use his or her hands, or any other part of his or her body, to make physical contact with the anus or genitals of any other person.
  2. Cause his or her anus or genitals to make physical contact with any other person.

3. Cause, if the employee is a female person, her breasts to make physical contact with the hands, genitals, or any part of the face or head of any patron.
  4. Ask or direct a patron or prospective patron to touch his or her own anus or genitals, touch the breasts of any female person, touch the anus or genitals of any other person, or to expose his or her anus or genitals to that employee or to any other person on the premises.
  5. Perform an act, or acts, that constitute sexual intercourse, masturbation, sodomy, bestiality, or oral copulation.
  6. Display any portion of his or her anus or genitals.
  7. Permit a patron to place any money on the person of, or on the costume of, an employee, provided that incidental hand-to-hand contact occurring during the act of tipping shall not be unlawful.
- D. It is unlawful on the licensed premises for an erotic entertainer of a topless bar to perform anywhere other than in the general patron area or in any other location that is not entirely visible by direct line of sight from the general patron area.
- E. Subsections B, C and D of this section shall apply regardless of whether the erotic entertainer or employee is semi-nude or in a state of nudity.
- F. It is unlawful to operate a topless bar between the hours of 1:00 a.m. and 8:00 a.m. for purposes of this subsection only, a licensee does not qualify as a topless bar between the hours of 1:00 a.m. and 8:00 a.m. if no erotic entertainer is employed on the premises.

**Sec. 6-16. Identification card, provisional identification card, or temporary work authorization required; possession while working; age requirement; defense.**

- A. It is unlawful for any person to appear on the licensed premises of a topless bar as an erotic entertainer without possessing on his or her person, or on the business premises, either:
1. A valid, unexpired, unrevoked identification card or provisional identification card issued by the City pursuant to Section 6-17; or
  2. A valid, unexpired, unrevoked identification card or provisional identification card issued pursuant to Section 10-134.02, provided that the person has reached the age of nineteen years.
  3. A copy of the temporary work authorization provided to the City Clerk by a licensee pursuant to Section 6-18, provided that the authorization bears a date of submission to the City Clerk within the previous ten calendar days.
- B. It is unlawful to employ an erotic entertainer who:
1. Does not possess a valid, unexpired, and unrevoked identification card issued pursuant to Section 6-17;
  2. Does not possess a valid, unexpired, and unrevoked identification card issued pursuant to Section 10-134.02, if the erotic entertainer has reached the age of nineteen years;
  3. Does not possess a valid, unexpired and unrevoked provisional identification card issued pursuant to Section 6-17; or
  4. Has not been issued a temporary work authorization in compliance with Section 6-18 within the previous ten calendar days.

- C. It is unlawful for any person who has not reached the age of nineteen years to appear on the premises of a topless bar as an employee in a state of nudity or semi-nude, regardless of whether that person has been issued an identification card pursuant to this article or Article XII of Chapter 10, or a provisional identification card issued pursuant to this article.
- D. It shall be a complete defense to a charge brought pursuant to subsection B that the licensee has:
  - 1. Reported the employment of the erotic entertainer to the City Clerk as required by subsection 6-27(E) after examination of the identification card or provisional identification card presented by the erotic entertainer.
  - 2. Verified, if the employee presents an identification card issued pursuant to Section 10-134.02, that the employee has reached the age of nineteen years.
  - 3. Not been informed in writing by the City Clerk that the identification card or provisional identification card for that employee has been revoked or is otherwise invalid.

**Sec. 6-17. Identification card; application; issuance; age restriction.**

- A. An applicant for an erotic entertainer identification card shall provide the following information to the City Clerk on a form, or in a form, approved by the City Clerk:
  - 1. Full true name.
  - 2. All other names under which an identification card or provisional identification card has been issued pursuant to this article or Article XII of Chapter 10.
  - 3. Current mailing (record) address and telephone number.
  - 4. Stage name currently used, if any.
  - 5. Height, weight, and color of hair and eyes.
  - 6. Date of birth and written proof of age, in the form of a current driver's license with photograph, or other current picture identification document issued by a governmental agency.
  - 7. A statement as to whether the applicant has been convicted of any offense in Chapter 32 (Prostitution) of Title 13, Arizona Revised Statutes, Sections 23-52 or 23-53, Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.
  - 8. Signature of applicant.
  - 9. One digital photograph of the applicant taken by the City at the time of application.
- B. The City Clerk shall approve or deny the application no later than four City working hours after receipt of the application, or the application will be deemed denied.
- C. The application shall be approved if the applicant has:
  - 1. Reached the age of nineteen years.
  - 2. Provided all of the information required by subsection A and Section 6-17.01.
  - 3. Paid the fee required by Section 6-19.
  - 4. Not been convicted of any offense in Chapter 32 (Prostitution) of Title 13 of the Arizona Revised Statutes, Sections 23-52 or 23-53 of the Phoenix City Code, or of the same or

similar offenses in another state or jurisdiction in this State or any other state within the previous five years.

5. Not had an identification card issued pursuant to this article or Section 10-134.02 revoked within the previous:
  - a. Year if revoked pursuant to paragraph 6-26(A)(1), paragraph 6-26(A)(2), paragraph 6-26(A)(6), paragraph 10-134.02(L)(1), paragraph 10-134.02(L)(2), or paragraph 10-134.02(L)(6).
  - b. Five years if revoked pursuant to paragraph 6-26(A)(3) or paragraph 10-134.02(L)(3).

D. The application shall be denied if the applicant has:

1. Not reached the age of nineteen years.
2. Failed to provide all of the information required by subsection A and Section 6-17.01.
3. Not paid the fee required by this article.
4. Been convicted of any offense in Chapter 32 (Prostitution) of Title 13 of the Arizona Revised Statutes, Sections 23-52 or 23-53 of the Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.
5. Had a license issued pursuant to this article or Section 10-134.02 revoked within the previous:
  - a. Year if revoked pursuant to paragraph 6-26(A)(1), paragraph 6-26(A)(2), paragraph 6-26(A)(6), paragraph 10-134.02(L)(1), paragraph 10-134.02(L)(2), or paragraph 10-134.02(L)(6).
  - b. Five years if revoked pursuant to paragraph 6-26(A)(3) or paragraph 10-134.02(L)(3).

E. If the application is denied, or is deemed denied, and the applicant is physically present at the Office of the City Clerk, the City Clerk shall hand-deliver the applicant the notice of denial, which shall state the reasons for denial. If the application is denied, and the applicant is no longer present in the Office of the City Clerk, the applicant shall be mailed the notice of denial, which shall state the reasons for denial, by certified mail to the applicant's address of record, within one City working day of the date of denial. Service by mail is complete upon mailing. Within ten calendar days after service of the notice of denial, or within ten calendar days after the application has been deemed denied pursuant to subsection B, the applicant may file a request for hearing in the Office of the City Clerk stating the reasons why the application should not have been denied and providing an address at which the applicant may be served by mail. If the applicant fails to provide a request for hearing as permitted by this subsection, a final notice of application denial shall be issued by the City Clerk and no further action on the application on the part of the City Clerk shall be required. Within ten City working days after service of a request for hearing on the City, the City Clerk shall either issue the identification card to the applicant or shall schedule a hearing before the License Appeal Board and shall send notification to the applicant in writing by certified mail of the date, time and place of the hearing. If, upon receipt of a timely request for hearing, the City Clerk fails to send a timely notification either withdrawing the notice of denial or scheduling a hearing, the notice of denial shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than twenty nor more than forty-five calendar days after receipt by the City Clerk of the request for hearing. If the applicant requests a hearing, either the City Clerk or the License Appeal Board may continue the hearing on the request of the applicant for good cause shown. The License Appeal Board or the City may condition the grant of a continuance on the applicant's waiver of the time deadline for holding the hearing established by this subsection. The hearing shall be conducted in an informal manner. The applicant may be represented by counsel. The technical rules of

evidence shall not apply, provided that the decision of the License Appeal Board shall in all cases be based upon substantial and reliable evidence. Review shall be denovo and the burden of proof at the hearing shall be on the City. The License Appeal Board shall render a written decision either sustaining or overturning the decision to deny the application within five City working days after completion of the hearing and shall either hand-deliver a copy of the decision to the applicant or mail a copy of the decision to the applicant by certified mail to the applicant's address of record. If more than sixty days elapse between the receipt by the City of a request for hearing and the mailing or hand-delivery by the License Appeal Board of a final decision to the applicant, a decision in favor of the applicant shall be deemed to have been rendered. The decision of the License Appeal Board shall be final upon hand-delivery or, if mailed, at the end of five calendar days after mailing, and shall constitute final administrative action.

- F. When the decision to deny the license application becomes final, the applicant shall have the right to seek judicial review of the decision by way of special action or other available remedy in the Superior Court. If the applicant files an action in the Superior Court challenging the license application denial within fourteen calendar days after the License Appeal Board decision has become final, and serves the complaint on the City within that same fourteen-day time period, and the Superior Court fails to issue a decision on the merits of the complaint within sixty calendar days after service of the complaint on the City, the City shall issue the applicant a provisional identification card within one City working day after the expiration of the sixty-day time period. The sixty-day rule of this subsection shall apply only to a challenge, or to that part of a challenge, to the denial of the application that relates specifically to the decision to deny the application and not to the constitutionality of the ordinance itself. The right of a person to work pursuant to a provisional identification card issued pursuant to this subsection shall expire as provided by the City Clerk but shall be reissued as necessary to the card holder without cost if a decision has not been rendered by the Superior Court prior to its expiration.
- G. A person to whom a provisional identification card has been issued pursuant to this section shall notify the City Clerk in writing, on a form prescribed by the City Clerk for that purpose, within one City working day of employment or termination, of each topless bar or adult cabaret by name and address at which that person has been employed or terminated since the date of application. The notification requirement of this subsection shall terminate upon the actual issuance, if any, of an identification card.
- H. The identification card issued by the City pursuant to this section shall state on its face the name of the erotic entertainer, his or her physical description and date of birth, the card (license) number and expiration date. The card shall contain a photograph of the card holder.

**Sec. 6-17.01. Identification card application; additional requirements.**

No license (identification card) shall be issued to an individual if the individual does not present any of the following documents to the City Clerk indicating that the individual's presence in the United States is authorized under Federal Law:

1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
4. A United States certificate of birth abroad.
5. A United States passport.
6. A foreign passport with a United States Visa.

7. An I-94 Form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood
12. A tribal or Bureau of Indian Affairs Affidavit of Birth.

**Sec. 6-18. Temporary work authorization; licensee qualification; qualification revocation; hearing.**

- A. A licensee may issue a temporary work authorization to an erotic entertainer for employment on the business premises without an identification card or provisional identification card if all of the following conditions are met:
1. The licensee is a qualified licensee.
  2. The licensee has registered with the City Clerk on the form and in the form prescribed by the City Clerk for that purpose the following information for the erotic entertainer:
    - a. True name.
    - b. Stage name.
    - c. Current digital photograph of the erotic entertainer.
    - d. Digital photograph of a current, government-issued photo identification document for the erotic entertainer.
    - e. The erotic entertainer certifies that he or she has not been convicted of any offense in Chapter 32 (Prostitution) of Title 13, Arizona Revised Statutes, Sections 23-52 or 23-53, Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.
    - f. The erotic entertainer certifies that he or she has not provided another, similar certification to that licensee, another licensee, or an adult cabaret during that calendar year.
    - g. A manager whose name has been provided to the City Clerk pursuant to subsection C issues and signs the temporary work authorization.
  3. The erotic entertainer has reached the age of nineteen years.
  4. The temporary work authorization expires at 1:00 a.m. on the tenth calendar day following the date of issuance.
  5. The licensee gives a copy of the temporary work authorization to the applicant and obtains the applicant's signature showing receipt of a copy of the form.
  6. The erotic entertainer is not currently licensed as either an erotic entertainer or an adult cabaret performer under this Code.
- B. The temporary work authorization shall be a copy, in the form prescribed by the City Clerk, of the registration provided to the City Clerk pursuant to subsection A.

- C. The City Clerk shall qualify a licensee to issue temporary work authorizations pursuant to this section if the licensee is not currently serving a suspension pursuant to subsection E and the licensee provides the City Clerk with the following information on a form provided by the City Clerk for that purpose:
1. Name, address and telephone number of the licensee.
  2. The names of those managers authorized by the licensee to issue temporary work authorizations pursuant to this section.
- D. No person shall apply for a temporary work authorization at a topless bar or an adult cabaret after having been given a temporary work authorization in compliance with either this section or Section 10-134.03 in that calendar year.
- E. In addition to any other remedy provided for in this article, the City Clerk may suspend the qualification of a licensee by issuing a written notice of intent to suspend for a period not to exceed one year if the licensee, or any employee of the licensee, fails to comply with any provision of this section. The notice of intent to suspend may be served by hand-delivery or by certified mail to the licensee. Service by mail shall be complete upon mailing.
- F. If a licensee disagrees with a notice of intent to suspend, the licensee may request an informal review of the decision by submitting to the City Clerk within ten calendar days after service a statement of reasons why the qualification should not be suspended. If no informal review is requested, the City Clerk shall issue a final order of suspension and serve the order upon the licensee by hand-delivery or certified mail. Service by mail shall be complete five calendar days after mailing. After any informal review conducted, the City Clerk shall issue a written decision either withdrawing the notice of intent to suspend or issuing a final order of suspension, and shall serve the decision by hand-delivery or certified mail. Service by mail shall be complete five calendar days after mailing. There shall be no other administrative appeal from a final order of suspension, although the licensee may challenge the order by special action or other available remedy in the Superior Court. The suspension of the qualification of a licensee shall be stayed pending a decision of the Superior Court, if the licensee files a special action or other appropriate action in the Superior Court within ten calendar days after service of the written decision following request for informal review.

**Sec. 6-19. Identification card; fee required.**

The application fee for the identification card issued pursuant to this article shall be twenty-four dollars and is non-refundable.

**Sec. 6-20. Identification card; expiration date.**

An identification card issued pursuant to this article is valid from the date and time of issuance until midnight of the previous day one year later.

**Sec. 6-21. Identification card; duplicate; fee.**

A. Any person to whom an identification card has been issued pursuant to Section 6-17 may apply for an additional card at any time pursuant to that section unless an injunction has been entered by the Superior Court prohibiting a new application.

B. The application fee for a duplicate identification card is ten dollars.

**Sec. 6-22. Identification card; provisional identification card; temporary work authorization; production for inspection.**

An erotic entertainer shall produce the identification card, provisional identification card, or temporary work authorization issued pursuant to this article, or the identification card issued

pursuant to Section 10-134.02 for inspection upon request of a Law Enforcement Officer or City Regulatory Licensing Inspections Official.

**Sec. 6-23. Identification card; information update.**

- A. A change in the information required to be provided to the City Clerk pursuant to paragraphs 6-17(A)(1) and (3) shall be submitted to the City Clerk on the form prescribed by the City Clerk for that purpose within ten calendar days of the change, provided that an applicant who has been issued a provisional identification card shall update this information with the City Clerk within one City working day of the change.
- B. A change in the information required to be provided to the City Clerk pursuant to paragraph 6-17(A)(4) shall be submitted to the City Clerk on the form prescribed by the City Clerk for that purpose prior to any change.

**Sec. 6-24. Identification card; confidentiality.**

The information provided by an applicant pursuant to paragraphs (A)(1), (2), (3), (6), (8) and (9) of Section 6-17, Section 6-18, the applicant's proof of age, and the applicant's social security number and residence address, if they should appear on any documentation submitted by the applicant pursuant to those sections, shall be maintained by the City on a confidential basis, provided that:

- 1. The information may be disclosed to other governmental agencies in connection with a law enforcement or public safety function.
- 2. The information may be disclosed with the permission of the card holder or applicant.
- 3. A licensee that is required to comply with subsection 6-27(A), and that is in compliance with Section 6-27, may receive:
  - a. Verification of card holder status if the licensee provides the card holder's name and card (license) number.
  - b. The number of times a person has filed a request for temporary work authorization in the current calendar year if the licensee provides the person's name and a copy of the person's current, government-issued photo identification card.

**Sec. 6-25. Identification card cancellation.**

The holder of one or more cards issued pursuant to this article may cancel the card or cards by completing the form prescribed by the City Clerk for that purpose and filing it with the City Clerk.

**Sec. 6-26. Identification card; revocation.**

- A. The City Clerk shall revoke the identification card, or provisional identification card, of any person who has:
  - 1. Provided false or misleading information on, or in connection with, an application submitted pursuant to Section 6-17.
  - 2. Failed to update the information listed at paragraphs 6-17(A) (1), (3) and (4) as required by Section 6-23.
  - 3. Been found responsible for or guilty of, in either a civil or criminal case, a violation of any of the provisions of subsections 6-15(B), (C) or (D), or paragraphs 10-148(A)(1) through (A)(10), on three or more separate days within a three year period. For purposes of this paragraph, the time period from midnight until 1:00 a.m. shall be considered to be the previous day.

4. Been convicted of any offense in Chapter 32 (Prostitution) of Title 13 of the Arizona Revised Statutes, Sections 23-52 or 23-53 of the Phoenix City Code, or of the same or similar offenses in another state or jurisdiction within the previous five years.
  5. Been issued a provisional identification card and had the denial of the application for the related non-provisional identification card sustained by judicial order.
  6. Failed to pay the fee required by Section 6-19.
- B. To revoke an identification card, or provisional identification card, the City Clerk shall hand-deliver, or mail by certified mail to the card holder's address of record, a written notice of intent to revoke the identification card, together with a summary of the grounds therefor. Service by mail shall be complete five calendar days after mailing. Within ten calendar days after service of the notice of intent to revoke, the card holder may file a request for hearing in the Office of the City Clerk stating the reasons why the identification card should not be revoked. Within ten City working days after service of a request for hearing on the City, the City Clerk shall either withdraw the notice of intent to revoke or shall revoke the license and schedule a hearing before the License Appeal Board and shall send notification to the card holder in writing by certified mail of the date, time and place of the hearing. If the card holder fails to file a timely request for hearing, the City Clerk shall issue a notice of revocation as the final administrative action and shall deliver the notice to the card holder by hand-delivery or by certified mail to the card holder's address of record. Service by mail shall be complete five calendar days after mailing. If, upon receipt of a timely request for hearing, the City Clerk fails to send a timely notification either withdrawing the notice of intent to revoke or scheduling a hearing, the notice of intent to revoke shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than twenty nor more than forty-five calendar days after receipt by the City Clerk of the request for hearing. If the card holder requests a hearing, either the City Clerk or the License Appeal Board may continue the hearing on the request of the card holder for good cause shown. The License Appeal Board or the City may condition the grant of a continuance on the card holder's waiver of the time deadline for holding the hearing established by this subsection. The hearing shall be conducted in an informal manner. The card holder may be represented by counsel. The technical rules of evidence shall not apply, provided that the decision of the License Appeal Board shall in all cases be based upon substantial and reliable evidence. Review shall be de novo and the burden of proof at the hearing shall be on the City. The License Appeal Board shall render a written decision either sustaining or overturning the decision to revoke the license within five City working days after completion of the hearing and shall either hand-deliver a copy of the decision to the card holder or mail a copy of the decision to the card holder by certified mail to the card holder's address of record. If more than sixty calendar days elapse between the receipt by the City of a request for hearing in compliance with this section and the mailing or hand-delivery by the License Appeal Board of a final decision to the card holder, a decision in favor of the card holder shall be deemed to have been rendered. The decision of the License Appeal Board shall be final upon hand-delivery or, if mailed, at the end of five calendar days after mailing, and shall constitute final administrative action. The card holder who has filed a request for hearing in compliance with this subsection may continue to work as an erotic entertainer pending receipt or service of the final decision of the License Appeal Board.
- C. When the decision to revoke the license of the card holder becomes final, the card holder shall have the right to seek judicial review of the decision by way of special action or other available remedy in the Superior Court. If the card holder files an action in the Superior Court seeking review of the decision of the License Appeal Board within fourteen calendar days after the decision of the License Appeal Board becomes final, and serves the summons and complaint on the City within that same fourteen-daytime period, the decision of the License Appeal Board shall be stayed pending the entry of judgment on the merits by the Superior Court.

### **Sec. 6-27. Premises diagram; licensee reporting.**

- A. A licensee that offers erotic entertainers as entertainment on the licensed premises during any part of any two or more days within any continuous, thirty calendar day period shall file a floor plan with the City Clerk.
- B. The floor plan required by subsection A shall be on file with the City Clerk no later than one City working day after qualification of the licensee as a business required to file a floor plan pursuant to subsection A.
- C. Any licensee that has filed a floor plan in compliance with this section who then changes the operation of its business such that it is no longer required to file a floor plan pursuant to this section shall notify the City Clerk of the change in business operation on a form prescribed by the City Clerk for this purpose within five calendar days of the change.
- D. The City Clerk shall cancel the floor plan of any licensee that reports a change in the operation of its business pursuant to subsection C.
- E. A licensee that is required to file a floor plan pursuant to this section shall file with the City Clerk, on a form and in the manner prescribed by the City Clerk, a list of all erotic entertainers by true name, stage name and card (license) number prior to their employment on the licensed premises. The reporting requirement of this subsection shall apply to an erotic entertainer who has already been reported to the City Clerk in compliance with Section 6-18.
- F. On November 1 of each year, or the City working day immediately following if November 1 is not a City working day, a licensee that is then required to file a floor plan pursuant to this section shall file with the City Clerk, on a form and in a manner prescribed by the City Clerk, a complete list of all erotic entertainers, by true name, stage name and card (license) number, who are authorized to perform on the premises.

### **Sec. 6-28. Civil violations.**

- A. An erotic entertainer who violates subsection 6-15(B), (C) or (D), subsection 6-16(A), Section 6-22 or subsection 6-23(A) or (B), or a licensee who violates subsection 6-27(C), (E) or (F), is subject to a civil sanction of not less than two hundred fifty dollars nor more than two thousand five hundred dollars per violation. Each day of any violation of subsection 6-27(C), (E) or (F) shall constitute a separate offense. The court shall not suspend any part or all of the imposition or execution of any sanction required by this subsection, provided that the court may reduce the civil sanction of a person found responsible for a violation of subsection 6-16(A) or Section 6-22 to no less than fifty dollars if the person had a valid erotic entertainer identification card or provisional identification card, or, if nineteen years of age, a valid adult cabaret performer identification card lawfully issued in his or her name at the time of the violation. The remedies of this subsection are cumulative with the criminal remedies of Section 6-29.
- B. Civil actions to enforce this section may be adjudicated by a Judge or Hearing Officer.
- C. Any civil action to enforce a civil sanction imposed pursuant to this article shall be commenced and summons shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes, City ordinance or as provided in the Local Rules of Practice and Procedure, City Court, City of Phoenix.
- D. Any party may appeal the judgment of the City Court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure, Civil. Execution of any judgment shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the Trial Court, or when no bond is fixed and a notice of appeal has been filed.
- E. A civil citation brought pursuant to this section shall be served within one year of the offense.

**Sec. 6-29. Criminal violations.**

- A. A person who violates any provision of this article, except for subsections 6-27(C) and (F), is guilty of a Class 1 misdemeanor.
- B. A person who knowingly provides false or misleading information in response to a request for information pursuant to subsection 6-17(A) is guilty of a Class 1 misdemeanor.
- C. A person who knowingly provides false or misleading information to a licensee pursuant to Section 6-18 is guilty of a Class 1 misdemeanor.
- D. A person who knowingly provides false or misleading information to the City Clerk pursuant to Section 6-18 is guilty of a Class 1 misdemeanor.

**Sec. 6-30. Consent agreements.**

The City Clerk may provide for the resolution of any contested civil matter arising under this article by consent agreement. The terms of a consent agreement may impose conditions that go beyond the requirements of this article and may include a fine as a civil sanction.

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CITY CLERK DEPARTMENT  
LICENSE SERVICES SECTION

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License Services  
200 W. Washington St., 1st Floor  
Phoenix, AZ 85003-1611  
(602) 262-4638  
FAX: (602)-495-0783

Email: [licenseservices@phoenix.gov](mailto:licenseservices@phoenix.gov)  
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